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Attorneys for Defendant
KMART CORPORATION

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION

MICHAEL GILHULY, individually,
and on behalf of all others similarly
situated,

Plaintiffs,

vs.

KMART CORPORATION, and DOES
1 through 100, inclusive,

Defendants

)
) **Case No. 4:10-cv-0360-PJH**
)

) **CLASS ACTION**
)

) **STIPULATION AND [PROPOSED] ORDER**
) **EXTENDING MEDIATION DEADLINE**
)

) **Date:** October 26, 2011
)

) **Time:** 9:00 a.m.
)

) **Dept.:** Courtroom 3, 3rd Floor
)

) **Judge:** Hon. Phyllis J. Hamilton
)

1 PLEASE TAKE NOTICE that the parties, by and through their respective counsel, hereby
2 stipulate as follows:

3 **WHEREAS** this Stipulation is entered into between Representative Plaintiff Michael Gilhuly
4 (“Plaintiff”) and Defendant KMART Corporation (“Defendant”), by and through their respective
5 counsel of record;

6 **WHEREAS** on May 6, 2010, the Court ordered the parties to complete private mediation by
7 October 1, 2010;

8 **WHEREAS** the first date on which the selected mediator and the parties are mutually
9 available is October 4, 2010;

10 **WHEREAS** the parties agree to extend the deadline by which to complete a private
11 mediation session to October 4, 2010;

12 **WHEREAS** the parties respectfully request that this Court enter an order in accordance with
13 this Stipulation to extend the mediation deadline to October 4, 2010.

14
15 Accordingly, **IT IS HEREBY STIPULATED AND AGREED** by the parties through their
16 respective counsel of record that the private mediation session shall be completed by October 4,
17 2010.

18
19 Dated: August 18, 2010

SCOTT COLE & ASSOCIATES, APC

20
21 By: /s/ Molly A. Kuehn
22 Molly A. Kuehn, Esq.
23 Attorneys for the Representative Plaintiff
and the Plaintiff Class

24
25 Dated: August 18, 2010

SONNENSCHN NATH & ROSENTHAL LLP

26
27 By: /s/ Gayle M. Athanacio
28 Gayle M. Athanacio, Esq.
Attorneys for Defendant
KMART CORPORATION

[PROPOSED] ORDER

For good cause shown, **IT IS SO ORDERED.**

Dated: August 26, 2010

By: _____

